

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:09CR322
	)	
v.	)	
	)	MEMORANDUM AND ORDER
DANIEL G. SMITH,	)	
	)	
Defendant.	)	

Defendant Daniel G. Smith has moved to continue the trial currently set for March 1, 2010. Filing No. 22. Defense counsel states the parties need additional time to interview material witnesses and prepare for trial. The government does not oppose the requested continuance. The Court finds the defendant's motion to continue should be granted.

IT IS ORDERED:

- 1) Defendant's unopposed motion to continue, (filing no. 22), is granted.
- 2) The trial of this case is set to commence at 9:00 a.m. on April 12, 2010 for a duration of three trial days. Jury selection will be at the commencement of trial.
- 3) Based upon the showing set forth in the defendant's motion and the representations of his counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendants and the public in a speedy trial. Accordingly, the time between today's date and April 12, 2010 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7).

DATED this 17<sup>th</sup> day of February, 2010.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge